

GREEN KAMINER MIN & ROCKMORE LLP

Manhattan
420 Lexington Ave., Ste 2821
New York, New York 10170
T.212.681.6400

Long Island
600 Old Country Rd., Ste. 410
Garden City, New York 11530
T. 516.858.2115

June 16, 2023

Honorable Judge Denise Cote
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

RE: *Tereshchenko v. Karimi*
Case No: 23-cv-2006

Dear Judge Cote,

This firm represents Petitioner, Roman Tereshchenko, in the above-referenced proceeding.

Per the Court's June 9, 2023 directive, we submit this joint status letter to propose deadlines for filing exhibits, exhibit lists and witness lists and to narrow issues for trial. To the extent a deadline or issue is not agreed upon, we submit each party's position for the Court's consideration.

I. Outstanding Issues and Deadlines

After discussion between counsel, the parties agree that the issue of habitual residence is resolved. Ukraine was the habitual residence of the children at all times relevant to this proceeding.

Otherwise, the remaining issues to be resolved at an evidentiary hearing are as follows:

- Whether Petitioner had rights of custody pursuant to Articles 3 and 5 of the Hague Convention.
- Whether Petitioner was exercising those rights of custody pursuant to Article 3 of the Hague Convention.
- Whether Respondent's removal and/or retention of the Children was wrongful pursuant to Article 3 of the Hague Convention.
- Whether there exists a grave risk of harm pursuant to Article 13(b) of the Hague Convention.
- Whether Petitioner consented and/or acquiesced to the removal and/or retention of the Children pursuant to Article 13(a) of the Hague Convention.

Counsel proposes the following pre-trial deadlines:

- Exhibit Lists, Witness Lists and Expert Disclosure shall be exchanged by June 23, 2023.
- Exhibits shall be exchanged by June 26, 2023.

Additionally, Petitioner's counsel proposes that any rebuttal Expert Disclosures be exchanged on June 28, 2023 no later than 12:00 p.m. and Respondent's counsel proposes that they be exchanged no later than June 28, 2023 (no noon deadline).

II. Petitioner's Request for Copies of Respondent's Passport

Finally, the parties request permission to make photocopies of the passport Respondent turned over to this Court on June 9, 2023, or receive copies directly from the Court, whichever the Court prefers. Information concerning Respondent's physical whereabouts since her departure from Ukraine will be relevant to these proceedings.

Respondent requests, on or before June 29, 2023, Petitioner provide copies of all pages of his two Ukrainian foreign passports and proof of residency in France including, but not limited to, copies of any leases for rent. Respondent believes that Petitioner's physical location prior to the commencement of this proceeding and the start of the war in Ukraine is relevant to this action. Petitioner does not believe that his passport or physical location is relevant to this proceeding but will agree to provide information as to any residence in France.

On or before June 23, 2023, both parties shall provide to the other copies of all written communications in their possession including, but not limited to, text and WhatsApp messages between Petitioner and Respondent since November 2021.

Thank you for the Court's consideration in this matter.

Respectfully Submitted,

Richard Min
Richard Min

cc: All counsel (via ECF)

The rebuttal expert reports are due at noon on 6/28. The Court will provide copies of the respondent's passport. Petitioner shall provide copies of his passports and proof of residency in France.

Quinn Cole
6/16/23